

REMARKS

In response to the Notice of Non-Compliant amendment dated October 23, 2008, Applicants have listed the text of withdrawn claims 1-20. Also, pursuant to a phone conference with the Examiner on November 14, 2008, he stated that the Office had not changed the title as had been requested by Applicants' amendment of November 15, 2006. Accordingly, Applicants again respectfully request that the Office change the title as indicated herein.

The non-final Office Action of April 18, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1-24 and 29-33 remain in the application. Claims 1-20 have been withdrawn. Reconsideration of the claims is respectfully requested.

The Examiner has rejected claims 21-24 and 29-33 under 35 U.S.C. 102(e) as being anticipated by Mano et al. (U.S. Patent No. 6,883,600).

Although Applicants respectfully disagree with this rejection, in order to expedite prosecution, they have amended claims 21 and 29 herein in order to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The phrase "once the baffle has been disposed between the end tank contact area and a remainder of the heat exchanger" is now recited in claim 21. Applicants have also revised claim 21 to more clearly highlight that the "tab" is inserted in the end tank.

Support for these revisions may be found throughout the application as filed, at least in all figures where it is clearly illustrated that the tab of the one piece baffle (not the entire baffle) is intended to fit through the end tank. Moreover, at page 3, lines 24-26, it is stated that "[t]he end tank preferably has a perforation, slot or shaped mating hole for insertion of the tab of the one-piece double baffle." As is shown in the drawings and the text, it is disclosed that the tab (and not the entire baffle itself) can pass through the perforation, slot or shaped mating hole. Advantages of the tab and perforation/hole 9 (which has a different function from the

slits/holes provided in the prior art) may be found in the application as filed, e.g., at page 11, lines 15-25:

Referring to Fig. 2, a portion of the one-piece double baffle is formed with an overall chamber width 10 between opposing profile sides 36 larger or, preferably, significantly larger at the area of the end tank than at the interior. A one-piece double baffle may be used in heater assembly cores 7 with reduced tube pitches 8. Tab 2 is formed so that it will fit into a perforation or hole 9 in the end tank 12 of the heat exchanger. In the preferred embodiments of Fig. 2, the tab is formed so that it will form a snug, leak-tight seal, and securely hold the one-piece double baffle 6 in position via the tab 2. In Figures 1, 2, 4 and 5, preferred embodiments show a perforation, slot or hole 13 from which fluid within the baffle chamber may escape from between the baffle sections 3 to the exterior of the end tank 15.

Claim 29 has also been revised in that the manufacturing process is clarified to illustrate that the step of "inserting the one-piece double baffle in the end tank at the contact area of the end tank" is followed by the step of "providing the remainder of the heat exchanger tank assembly on the side of the one-piece double baffle that is opposite the end tank." As indicated by the specification and the drawings, only the tab of the baffle may pass through the aperture of the end tank. Again, Applicants respectfully request reference to page 3, lines 24-26 of the specification where it is stated that "[t]he end tank preferably has a perforation, slot or shaped mating hole for insertion of the tab of the one-piece double baffle." Therefore, Applicants have more clearly articulated that the baffle is placed between the end tank and the "remainder of the heat exchanger" before the components are affixed to one another, given that the entire baffle cannot pass through the aperture of the end tank.

Moreover, where Mano discloses a tab-like structure that projects out of the tube (as in Figure 14 and Figure 4 noted by Examiner), the "one piece structure" (although it is "folded" with "substantially parallel" walls and a "tab" shown in Figure 4) of Mano does not have the "peripheral walls" as claimed and described in Applicants' disclosure.

Applicants' specification clearly defines what constitutes "peripheral walls", e.g., at page 15, lines 4-7 of the specification: "the outer peripheral surface of the double baffle 6 substantially corresponds to an inner surface of the end tank such that the outer peripheral surface and the inner surface substantially continuously oppose and contact each other." (emphasis added) Such "peripheral walls" do not exist in Mano, given that the outer peripheral surface does not correspond to the inner surface. In fact, the Mano reference specifically requires that the peripheral walls do not correspond to the inner surface such that the walls of the Mano baffle plastically deform when the baffle fits against the inner surface. See Mano (Column 7, lines 30-37; Column 8, lines 23-26). In contrast, the baffle as claimed and disclosed by Applicant does **not** deform due to the "peripheral walls". Accordingly, unlike Mano, Applicant's invention as recited in the pending claims has the outer peripheral surface of the baffle and the inner surface of the heat exchanger which are "continuously" opposing and contacting each other.

As such, for at least the above reasons, it is submitted that Applicants' invention as defined in claims 21 and 29, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Mano, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-24 and 29-33 remain in the application. Claims 1-20 are withdrawn. It is submitted that, through this Amendment (that replaces the Amendment filed October 20, 2008), Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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